

## REMARKS

Claims 1-12 are pending in the application.

Claims 1-12 are rejected.

Applicant claims foreign priority to Japanese application 2003-148319. It is respectfully requested foreign priority acknowledged be provided that all of the certified copies of the priority documents have been received.

Claims 11 and 12 have been amended to clarify the claimed subject matter.

Claims 11 and 12 are rejected under 35 U.S.C. § 101 as directed to as non statutory subject matter. The claims have been amended herein to bring them into compliance with the requirements of 35 U.S.C. § 101. It is respectfully requested the rejection be withdrawn.

Claims 1, 2, 5-10 are rejected under 35 U.S.C. § 102(b) as anticipated by Bach et al. (U.S. 6,377,795)(hereinafter Bach).

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bach in view of Cannon et al. (U.S. 6,027,152).

Applicant's claimed invention includes, when receiving a call, checking against numbers in a database, and immediately connecting the call and transmitting a message when a number registered in the database is the same as the telephone number of the received call.

Applicant's claimed invention includes the advantages of causing a caller (ill-intending caller) to fall into a situation in which the caller is charged for a return message.

A "One-time-only" call, is a technique used by an ill-intending person (caller), who rings a phone number (of a potential victim) and cuts-off the call as soon as the caller's phone number is recorded in the receiver's phone set but before the receiving side can answer the call.

The receiving side, not knowing who the call is from is tempted to call back the phone number recorded in the receiver's phone set. If the receiver does call back the receiver could be charged an extraordinary amount because the recorded number of the ill-intending person (caller) is one having been pre-arranged to connect to a content-data provider, who supplies a content-data piece in return with a pre-determined charge, which can be an extraordinary amount.

Applicant's claimed invention offers a way for overcoming this ill-intended practice. Applicant's claimed invention comprises: automatically activating the line by answering the call at a point at which the very first ringing sound finishes and automatically returning a message so as to have the phone charge go to the caller side and not come to the receiver side.

The amount of the charge associated with the return message for each is small but normally a caller of this kind (a "One-time-only caller) makes tens of thousands calls in this way so that this can add up to a significant amount and would deter the scam practice and also save the receiver side from the extraordinary charges.

#### Comparison

Bach describes several configurations in which when there is an incoming call while a telephone is in SPECIAL mode, and a message is sent to the caller.

If the incoming call is urgent, the telephone connection is established. For example, a message announcing "please press # key, if this is an urgent call" etc. is sent, and if the #key is pressed in response to the message, notification is provided that there is an incoming urgent call is notified by lighting a SPECIAL mode key etc.

Bach also has a feature in which the telephone numbers of callers to whom the SPECIAL mode is provided are registered in advance, and when there is an incoming call, by checking

against the registered numbers, communication is established only with those callers registered in the database. If the caller is not preprogrammed, the communication is rejected.

Bach describes "this feature can be incorporated with the feature just described above, so that when a call having the originating number match the pre-programmed number, the phone would automatically accept the call." col. 2, lines 49-53(emphasis added). Also at col. 2, lines 54-60 "after the phone has automatically accepted the call, a special signal is sent to the calling party."

Thus Bach is teaching a pre-programmed number in the telephone set, in contrast applicant is claiming caller's telephone number is registered in the telephone directory database.

In Applicant's claimed invention the call is immediately connected and a message is transmitted, causing a telephone charge to the caller, if the caller's telephone number is registered in the telephone directory database, as described above, whereas the invention of Bach has a feature to reject the incoming call of a caller whose telephone number is not registered in the telephone directory.

The invention of Bach does not cause a caller to incur a telephone charge. The invention of Bach merely rejects the call from a caller not registered in the telephone directory, and the purpose of message transmission is different.

Thus as described above with regard to applicant's claimed invention, the invention described in Bach has nothing to do with the objective of causing a caller (ill-intending caller) to fall into a situation in which the caller is charged for a return message.

In contrast applicant's claimed invention offers a way for overcoming this ill-intended practice. Bach merely rejects the call from a caller not registered in the telephone directory and the purpose of message transmission is different.

Thus Bach is concerned with not answering a call of a caller if the caller's phone number is not listed in the phone number list and the purpose of the receiving side phone unit issuing a message is different from that of the receiving side phone unit of the present claimed invention returns a message to the caller side.

In summary Bach is different from the configuration of the present claimed invention according to which, in response to receiving a one-time-only call, instead of avoiding tanswering the call, a receiver side phone unit apart from recording the phone number of the caller in a phone number list, answers the call for activating an associated line by returning a message before the line is cut off from the caller's side so that the charge for the returned message goes to the caller's side. In this respect, the present claimed invention is of a configuration for answering a call or returning a message for activating a caller line.

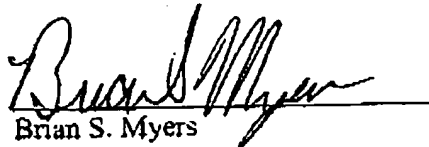
In response to the rejection grounds based on the 35 U.S.C. § 103, it is admitted in the Office Action that Bach fails to show the zero-calling time setting in a recorded message response time area in the telephone directory however, Cannon et al. is pointed to.

However it is respectfully submitted Bach fails to show the features in the base claims as pointed out above. Cannon et al. does not cure the defects of Bach and therefore the combination of references does not teach or suggest all of applicant's claimed features and therefore the rejection should be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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